

REMARKS

Telephonic Interview Request

Applicants respectfully request a telephonic interview after the Examiner has reviewed the instant response and amendment. Applicants request the Examiner call Applicants' representative at (858) 720-7961.

Status of the Claims

Claims 1-16 are currently pending. Claims 1, 2, 15, and 16 have been amended. Claims 3-5 and 13-14 have been cancelled.

Amendments to the Claims

Support for amendments to claims 1 and 2 can be found, *inter alia*, in the claims as originally filed and at paragraphs 6 and 7 of the specification. Claims 15 and 16 have been amended to be dependent from claims 1 and 15, respectively. Support for amendments to claims 15 and 16 can be found, *inter alia*, in the claims as originally filed.

The amendments herein are made solely to promote the prosecution without prejudice or disclaimer of any previously claimed subject matter. With respect to all amendments, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional applications(s). No new matter has been added by way of these amendments.

Information Disclosure Statement

Applicants appreciate the signed 1449/PTO forms attached to the Office Action. However, it appears that on page 2 of the form, the Examiner has forgotten to place a line through the non patent literature documents. Applicants respectfully request that the Examiner provide a new initialed page 2 of the form with the next communication from the Patent Office.

Election/Restrictions

Applicants acknowledge and appreciate the Examiner's withdrawal of the species election.

Objections to the Claims and Specification

The Examiner states that "[c]laims 4-6 are objected to because claims 4-6 do not contain specific SEQ ID NO:s. In addition, pages 2, 7, 17 and 18 of the specification contain nucleic acid sequences without proper SEQ ID NO:s."

Applicants respectfully direct the Examiner's attention to the Response to Notice to Comply received by the Patent Office on December 21, 2205. In the Response, on pages 3-8, the claims and specification were amended to include the SEQ ID NO:s. A complete copy of what was filed with the Office, including a copy of the CD-R, is provided herein.

Claim Rejections Under 35 U.S.C. § 103 (a)

Claims 1-4 and 7-12 stand rejected under 35 USC §103(a) as allegedly unpatentable over Zennou, Haseltine, Hotoda, Sundquist, and Charneau, as set forth on pages 4-6 of the Office Action.

In addition, the Examiner states on page 6 of the Office Action that "[c]laims 5 and 6 are allowable, pending amendments to the claims (see Objections above)."

Although Applicants do not necessarily agree with the obviousness rejection as set forth in the Office Action, in an effort to expedite prosecution, Applicants have amended claim 1 to include the limitation from claim 5 wherein the nucleic acid comprises the nucleotide sequence CAG₄AA (SEQ ID NO:2). Claim 6 remains dependent from claim 1 and is further limiting.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objections and rejections of the specification and claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **532232000900**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 26, 2007

Respectfully submitted,

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